

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 30, 1982

ALL-COUNTY INFORMATION NOTICE I-165-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: 1982 LAWS RELATING TO CHILD WELFARE SERVICES

A number of new laws affecting child welfare services were enacted during the second half of the 1981-82 Legislative Session. The most significant of these are highlighted in the attached summary of the relevant portions of these new laws.

Questions regarding the 1982 statutes should be directed to your program Management Consultant at (916) 445-7653 or ATSS 485-7653.

Sincerely,

A handwritten signature in cursive script that reads 'Claude Finn'.

CLAUDE FINN

Deputy Director
Adult and Family Services Division

Attachment

cc: CWDA

Significant Legislation Passed - 1982

1. AB 1733 (Pappan) Chapter 1398, Statutes of 1982

This statute appropriated 10 million dollars to develop innovative approaches to the prevention and treatment of child abuse and neglect. Funded programs potentially will serve a large population that mandated agencies do not currently serve. This includes high-risk children and their families, most of whom have not yet committed reportable offenses. The immediate needs of such families are addressed by this statute. In contrast, Chapter 978 (SB 14) addresses the protection of child abuse/neglect victims. This bill passed as an urgency measure and was effective September 24, 1982.

2. AB 2315 (Lockyer) Chapter 325, Statutes of 1982

This urgency statute makes temporary provisions (until January 1, 1984) for exception to the new 6 month limitation on voluntary placements. Those children receiving AFDC-FC solely because of a clinically determined emotional disturbance, and not because of abuse, neglect or exploitation, are exempted by this act from the time limitation on aid payments and services to voluntary placements. This statute became effective June 29, 1982.

3. AB 2384 (Moore) Chapter 1051, Statutes of 1982

This statute allows the Department of Social Services to adopt regulations which set factors for the placement of children in adoption and foster care. Priorities to be considered include racial background, cultural and ethnic heritage, religion and geographic location of natural parents. These factors are considered in Family Reunification and Permanent Placement program services regulations implementing SB 14. This statute becomes effective January 1, 1983.

4. AB 2449 (Leonard) Chapter 461, Statutes of 1982

This statute allows a peace officer to take a child suspected to fall within criteria of W & I Code Section 300, 601 or 602 directly to a shelter care facility without contacting a probation officer or social worker for assessment. It also amended W & I Code Section 328 to provide that the probation officer need not investigate the situation unless the facility requests that an investigation be made. This statute appears to be in conflict with Chapter 978 (SB 14) which also amended W & I Code Section 328. SB 14 specifies that the probation officer shall investigate the situation immediately upon referral. Since SB 14 was filed with the Secretary of State after the filing of this statute, the provisions of SB 14 take precedence over those of AB 2449.

5. AB 2695 (Moore) Chapter 977, Statutes of 1982

This urgency statute amends the Civil Code and Welfare and Institutions Code relating to AFDC-FC eligibility standards and rate setting and

the Aid to the Adoption of Children Program to achieve compliance with PL 96-272 (Adoption Assistance and Child Welfare Act of 1980). This bill and SB 14 were both necessary to achieve this compliance and thus preserve approximately \$55 million in Title IV-E federal funds. AB 2695 was signed into law effective September 13, 1982.

Among other things, the provisions of this statute: (1) establish a new Adoption Assistance Program; (2) provide for a dispositional hearing for children in relinquished status for 12 months; and (3) require that family reunification or permanent placement services and (effective 10/01/83) preplacement preventive services be provided, and that 6 month reviews and 18 month dispositional hearings be held in order for a child to receive AFDC (unless exempt). The statute also establishes a statewide, uniform basic rate structure for foster family homes; authorizes SDSS to administer rate setting for group homes effective July 1, 1983; requires certain studies, including the development of rate controls for group homes by July 1, 1984; and establishes an exception process to existing controls for the 1982/83 fiscal year.

6. AB 2905 (Martinez) Chapter 849, Statutes of 1982

This statute extends the life of the Office of Child Abuse Prevention to January 1, 1988 and makes minor technical changes in provisions for the Family Protection Act demonstration project.

7. AB 2994 (Imbrecht) Chapter 1399, Statutes of 1982

This statute increases the cost for a certified copy of a birth certificate from \$3 to \$7. Four dollars of every seven dollar fee will be put in either a County or State Children's Trust Fund. Funds will be administered by either a county commission or the State Department of Social Services for payment of child abuse and neglect prevention and intervention services provided by private non-profit organizations. This statute is effective January 1, 1983.

8. AB 3040 (Farr) Chapter 990, Statutes of 1982

This statute includes placements certified by authorized adoption agencies (private, CWD, SDSS) within the definition of "voluntary placement" for AFDC-FC aid purposes. It defines the term "exclusive use home" for inclusion in AFDC-FC specified facilities. This statute also requires that proceedings to declare a child free from parental custody and control are to be set for trial not more than 45 days after the date of the filing of the petition and completion of service of process. This statute further provides that the matter shall have precedence over all other civil matters set for trial. Additionally, the statute authorizes the SDSS and licensed adoption agencies, upon waiver of confidentiality rights of all parties, to arrange for contact between an adult adoptee, the natural parent(s) and the adoptive parent(s). This statute is effective January 1, 1983.

9. SB 14 (Presley) Chapter 978, Statutes 1982

This urgency statute implements the child welfare and foster care reforms of PL 96-272. The overall thrust of the statute is reduction of foster care caseloads through emphasis on:

- o preplacement preventive services, family reunification, and permanent placement services
- o more frequent and in-depth court and administrative reviews
- o protection of parental rights
- o timely development of a permanent plan for the child

Major provisions of this statute became effective October 1, 1982. Preplacement preventive services provisions become effective October 1, 1983.

10. SB 1337, Chapter 1276, Statutes of 1982

This was an urgency bill which established a Foster Parent Training Fund. This fund is to be supported by money obtained from reimbursement fees ordered by the court to be paid by parents of children in voluntary placement. This statute becomes effective September 22, 1982.

11. SB 1848 (Watson) Chapter 905, Statutes of 1982

This statute includes commercial film and photographic print processors as mandated reporters of child abuse. This statute becomes effective January 1, 1983.